



General Assembly

Amendment

May Special Session, 2016

LCO No. 6445



Offered by:

SEN. FASANO, 34th Dist.
SEN. WITKOS, 8th Dist.
SEN. KISSEL, 7th Dist.
SEN. KANE, 32nd Dist.
SEN. BOUCHER, 26th Dist.
SEN. CHAPIN, 30th Dist.
SEN. FORMICA, 20th Dist.
SEN. FRANTZ, 36th Dist.

SEN. GUGLIELMO, 35th Dist.
SEN. HWANG, 28th Dist.
SEN. KELLY, 21st Dist.
SEN. LINARES, 33rd Dist.
SEN. MARKLEY, 16th Dist.
SEN. MARTIN, 31st Dist.
SEN. MCLACHLAN, 24th Dist.

To: Senate Bill No. 505

File No. 0

Cal. No. 0

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

1 Strike subdivision (1) of subsection (a) of section 4 in its entirety and
2 substitute the following in lieu thereof:

3 "(a) (1) The court shall automatically transfer from the docket for
4 juvenile matters to the regular criminal docket of the Superior Court
5 the case of any child or young adult charged with the commission of a
6 capital felony under the provisions of section 53a-54b in effect prior to
7 April 25, 2012, a class A felony, or a class B felony, except as provided
8 in [subdivision (3) of this] subsection (b) of this section, or a violation
9 of section 53a-54d, provided such offense was committed [after such
10 child attained the age of fifteen years] by a child when such child was

11 at least fifteen years of age or by a young adult, or a violation of
12 section 53a-196e, 53a-196f or 53a-196h committed when such person
13 was a young adult, and counsel has been appointed for such child or
14 young adult if such child or young adult is indigent. Such counsel may
15 appear with the child or young adult but shall not be permitted to
16 make any argument or file any motion in opposition to the transfer.
17 The child or young adult shall be arraigned in the regular criminal
18 docket of the Superior Court at the next court date following such
19 transfer. [, provided any] Any proceedings held prior to the
20 finalization of such transfer shall be private and shall be conducted in
21 such parts of the courthouse or the building in which the court is
22 located that are separate and apart from the other parts of the court
23 which are then being used for proceedings pertaining to [adults]
24 persons charged with crimes on the regular criminal docket."

25 Strike subdivision (2) of subsection (c) of section 4 in its entirety and
26 insert the following in lieu thereof:

27 "(2) Notwithstanding any provision of the general statutes, when
28 sentencing a person whose case has been transferred to the regular
29 criminal docket of the Superior Court pursuant to this section and who
30 is convicted of an offense for which there is a mandatory minimum
31 sentence which shall not be suspended, the court may suspend the
32 execution of such mandatory minimum sentence if such person was
33 under eighteen years of age at the time of the offense, except if the
34 offense is a violation of section 53a-196e or 53a-196f."

35 Strike subdivision (2) of subsection (a) of section 33 in its entirety
36 and insert the following in lieu thereof:

37 "(2) "Youthful offender" means a youth who (A) is charged with the
38 commission of a crime which is not a class A felony or a violation of
39 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
40 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection
41 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a
42 or 53a-72b, except a violation involving consensual sexual intercourse

43 or sexual contact between [the youth] a person who is sixteen years of
44 age or older but under eighteen years of age and another person who
45 is thirteen years of age or older but under sixteen years of age or 53-
46 196h, and (B) has not previously been convicted of a felony in the
47 regular criminal docket of the Superior Court or been previously
48 adjudged a serious juvenile offender or serious juvenile repeat
49 offender, as defined in section 46b-120, as amended by this act."

50 Strike section 34 in its entirety and insert the following in lieu
51 thereof:

52 "Sec. 34. Subsection (a) of section 54-76c of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2016*):

55 (a) In any case where an information or complaint has been laid
56 charging a defendant with the commission of a crime, and where it
57 appears that the defendant is a youth, such defendant shall be
58 presumed to be eligible to be adjudged a youthful offender and the
59 court having jurisdiction shall, but only as to the public, order the
60 court file sealed, unless such defendant (1) is charged with the
61 commission of a crime which is a class A felony or a violation of
62 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
63 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection
64 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a
65 or 53a-72b, except a violation involving consensual sexual intercourse
66 or sexual contact between [the youth] a person who is sixteen years of
67 age or older but under eighteen years of age and another person who
68 is thirteen years of age or older but under sixteen years of age or 53-
69 196h, or (2) has been previously convicted of a felony in the regular
70 criminal docket of the Superior Court or been previously adjudged a
71 serious juvenile offender or serious juvenile repeat offender, as defined
72 in section 46b-120, as amended by this act. Except as provided in
73 subsection (b) of this section, upon motion of the prosecuting official,
74 the court may order that an investigation be made of such defendant
75 under section 54-76d, for the purpose of determining whether such

76 defendant is ineligible to be adjudged a youthful offender, provided
77 the court file shall remain sealed, but only as to the public, during such
78 investigation."

79 Strike section 37 in its entirety and substitute the following in lieu
80 thereof:

81 "Sec. 37. Subsection (a) of section 54-76l of the general statutes is
82 repealed and the following is substituted in lieu thereof (*Effective*
83 *October 1, 2016*):

84 (a) The records or other information of a youth, other than a youth
85 [arrested for or] charged with the commission of a crime which is a
86 class A felony or a violation of section 14-222a, subsection (a) or
87 subdivision (1) of subsection (b) of section 14-224, section 14-227a or
88 14-227g, subdivision (2) of subsection (a) of section 53-21 or section
89 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation
90 involving consensual sexual intercourse or sexual contact between [the
91 youth] a person who is sixteen years of age or older but under eighteen
92 years of age and another person who is thirteen years of age or older
93 but under sixteen years of age or 53-196h, including fingerprints,
94 photographs and physical descriptions, shall be confidential and shall
95 not be open to public inspection or be disclosed except as provided in
96 this section, but such fingerprints, photographs and physical
97 descriptions submitted to the State Police Bureau of Identification of
98 the Division of State Police within the Department of Emergency
99 Services and Public Protection at the time of the arrest of a person
100 subsequently adjudged, or subsequently presumed or determined to
101 be eligible to be adjudged, a youthful offender shall be retained as
102 confidential matter in the files of the bureau and be opened to
103 inspection only as provided in this section. Other data ordinarily
104 received by the bureau, with regard to persons arrested for a crime,
105 shall be forwarded to the bureau to be filed, in addition to such
106 fingerprints, photographs and physical descriptions, and be retained in
107 the division as confidential information, open to inspection only as
108 provided in this section."